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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,287	08/18/2003	Hou Chong Lei	211/240	4027

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EXAMINER

PRICE, CARL D

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,287

Applicant(s)

LEI, HOU CHONG

Examiner

CARL D. PRICE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Response to Arguments***

Applicant's arguments filed 02/07/2005 fully considered but they are not persuasive with regard to the prior art reference of JENLIS, in particular. And, Applicant's arguments with respect to claims 1 and 3-16 have been considered but are moot in view of the new ground(s) of rejection.

The prior art reference of JENLIS meets the amended claim language requiring "one side wheel having a circumferential surface and a diameter being provided, adjacent to the sparking wheel and rigidly connected thereto, wherein the circumferential surface of the side wheel is smooth a wherein any protrusions or indentations on the surface do not exceed 0.1 mm in depth, so that, if a force is applied by a user to the circumferential surface of the side. The examiner maintains the position that the circumferential surface defined by the most outwardly extending periphery of the smooth element(s) (5, 7; e.g. - figures 1, 3, 4, 5) in JENLIS meets the broadly stated limitation that "a circumferential surface" of the side wheel is smooth. In this regard, Applicant's invention set forth in currently amended claim 1 merely requires "a circumference" of a side wheel to be smooth while not precluding protrusions or indentations on other radially outward directed peripheral surfaces about the circumference of the wheel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior

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art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-7, 15, 16: Rejected under 35 U.S.C. 103(a)

Claims 1, 3-7, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US5759023 (Jenlis), US5897307 (Chang) or WO 97/01734 (Frigiere) (all of record) in view of CN2325668Y (Lei).

US5759023 (Jenlis) shows and discloses a sparking wheel arrangement for a hand held lighter of the type (see column 1, lines 43 and 52; Jenlis references WO 95/04247 US 4717335)), including:

- a fuel container,
- a fuel valve for allowing fuel to be fed from the fuel container to an ignition point (not shown),
- a lever for operating the fuel valve(not shown) ,
- a flint (8),
- a rotatably mounted sparking wheel (1) contacting the flint so that when the sparking wheel is rotated by a user, sparks are generated by the flint and projected to the ignition point,
- at least one side wheel (3,5) being provided, adjacent to and rigidly connect with the sparking wheel;
- the side wheel being greater than the diameter of the flint wheel;
- wherein the circumferential surface (5) of the side wheel is smooth so that, if a force is applied by a user to the circumferential surface of the side wheel and the sparking wheel, which force would in the absence of the side wheel be just sufficient to rotate the sparking wheel and to generate sparks, the user's thumb or finger slip on the side wheel.

US5897307 (Chang) shows and discloses a sparking wheel arrangement for a hand held lighter of the type including:

- a fuel container,

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- a fuel valve for allowing fuel to be fed from the fuel container to an ignition point,
- a lever for operating the fuel valve,
- a flint (51),
- a rotatably mounted sparking wheel (52) contacting the flint so that when the sparking wheel is rotated by a user, sparks are generated by the flint and projected to the ignition point,
- at least one side wheel (53, 54) being provided, adjacent to and rigidly connect with the sparking wheel,
- the side wheel being equal or less than the diameter of the flint wheel (see figures 4 and 7, respectively;
- wherein the circumferential surface (53, 54; 53', 54') of the side wheel is smooth so that, if a force is applied by a user to the circumferential surface of the side wheel and the sparking wheel, which force would in the absence of the side wheel be just sufficient to rotate the sparking wheel and to generate sparks, the user's thumb or finger slip on the side wheel.

WO 97/01734 (Frigiere) shows and discloses a sparking wheel arrangement for a hand held lighter of the type including:

- a rotatably mounted sparking wheel (52) contacting the flint so that when the sparking wheel is rotated by a user, sparks are generated by the flint and projected to the ignition point;
- at least one side wheel (53, 54) being provided, adjacent to and rigidly connect with the sparking wheel,
- the side wheel being equal or less than the diameter of the flint wheel (see figures 4 and 7, respectively;
- wherein the circumferential surface (53, 54; 53', 54') of the side wheel is smooth so that, if a force is applied by a user to the circumferential surface of the side wheel and the sparking wheel, which force would in the absence of the side wheel be just sufficient to rotate the sparking wheel and to generate sparks, the user's thumb or finger slip on the side wheel.

US5759023 (Jenlis), US5897307 (Chang) or WO 97/01734 (Frigiere) show and disclose the invention substantially as set forth in the claims. However, US5759023 (Jenlis), US5897307 (Chang) and WO 97/01734 (Frigiere) do not show a flint striker wheel supported on two wheel members each having a first axle projecting from one side and received in a lighter support

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bearing, and a second axle on the other side which is received in a bearing in the sparking wheel in the manner forth in applicant's claims.

CN2325668Y (Lei) teaches (figure 2), from the same gas lighter field of endeavor as US5897307 US5759023 (Jenlis), US5897307 (Chang) or WO 97/01734 (Frigiere), supporting a flint striker wheel on two wheel members each having a first axle projecting from one side and received in a lighter support bearing, and a second axle on the other side which is received in a bearing in the sparking wheel.

In regard to claims 1, 3-7, 15 and 16, for the purpose of providing a low friction material, it would have been obvious to a person having ordinary skill in the art to support the flint striker wheel of US5759023 (Jenlis), US5897307 (Chang) or WO 97/01734 (Frigiere) on two wheel members each having a first axle projecting from one side and received in a lighter support bearing, and a second axle on the other side which is received in a bearing in the sparking wheel, in view of the teaching of CN2325668Y (Lei).

Claim 8: rejected under 35 U.S.C. 103(a)

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US5759023 (Jenlis), US5897307 (Chang) or WO 97/01734 (Frigiere) as applied to claim 7 above, and further in view of US006123541 (Yang).

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US5759023 (Jenlis), US5897307 (Chang) or WO 97/01734 (Frigiere) show and disclose the invention substantially as set forth in the claims. However, US5759023 (Jenlis), US5897307 (Chang) and WO 97/01734 (Frigiere) do not disclose forming the shield to stand around and project above the sparking and side wheels.

US006123541(Yang) teaches, from the same gas lighter field of endeavor as US5897307 (Chang), forming a shield (12) to stand around and project above the sparking and side wheels for the purpose of providing means for inhibiting operation of the lighter by small children.

In regard to claim 8, for the purpose of providing additional means for inhibiting operation of the lighter by small children, it would have been obvious to a person having ordinary skill in the art to US5897307 (Chang) to forming the shield to stand around and project above the sparking and side wheels, in view of the teaching of US006123541 (Yang).

Conclusion

See the attached PTO FORM 892 for prior art made of record and not relied upon and which are considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

USPTO CUSTOMER CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CARL D. PRICE** whose telephone number is **(571) 272-4880**. The examiner can normally be reached on Monday through Friday between **6:30am-3:00pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on **(571) 272-4877**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (**PAIR**) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see **<http://pair-direct.uspto.gov>**. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at 866-217-9197 (toll-free).



CARL D. PRICE
Primary Examiner
Art Unit 3749

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